

**DISTRICT OF COLUMBIA  
DOH OFFICE OF ADJUDICATION AND HEARINGS**

DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
Petitioner,

v.

INTERLOG, INC.  
Respondent

Case No.: I-00-10657

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**FINAL ORDER**

**I. Introduction**

This case arises under the Civil Infractions Act of 1985 (D.C. Official Code §§ 2-1801.01 - 2-1802.05) and Title 21 Chapter 5 of the District of Columbia Municipal Regulations (“DCMR”). By Notice of Infraction (No. 00-10657) served on August 9, 2001, the Government charged Respondent Interlog, Inc. with a violation of 21 DCMR 502.1, which requires the obtaining of a building permit with an approved erosion and sedimentation plan before engaging in land disturbing activities.<sup>1</sup> The Notice of Infraction charged that the alleged violation occurred on August 8, 2001, on a vacant lot in the 500 block of 5<sup>th</sup> Street, N.W., and sought a \$500 fine.

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<sup>1</sup> 21 DCMR 502.1 provides: “No person may engage in any land disturbing activity on any property within the District until that person has secured a building permit from the District. Approval of a building permit shall be conditioned upon submission by the permit applicant of an erosion and sedimentation plan which has been reviewed and approved by the Department.”

On August 24, 2001, Respondent filed a timely plea of Admit with Explanation pursuant to D.C. Official Code § 2-1802.02(a)(2), along with a request for suspension or reduction of the fine. Respondent explained that at the time of the violation it was providing concrete construction services on the new Washington D.C. Convention Center and was also providing excavation and other services to the D.C. Water and Sewer Authority for the removal of water and sewer cross connections at various locations throughout the Northwest quadrant of the city. In connection with these projects, Respondent had obtained a Right of Entry from the D.C. Department of Housing and Community Development to use the subject vacant lot for the storage of construction materials and equipment, and it had also obtained a building permit for its work under the contract with the D.C. Water and Sewer Authority. However, Respondent admits that it had erroneously concluded that the aforementioned Right of Entry and building permit made it unnecessary for it to obtain another building permit for its activities on the subject vacant lot. The Notice of Infraction caused Respondent to re-examine the situation and, as a result, it promptly took steps to obtain a building permit with an approved erosion and sedimentation plan for its activities on the subject vacant lot.

By order dated August 29, 2001, the Government was permitted to reply to the Respondent's request for suspension or reduction of the fine. The Government responded on September 18, 2001, and recommended a \$150 reduction of the fine, based on Respondent's cooperation with the Government and the steps taken by Respondent to obtain the necessary building permit.

## **II. Findings of Fact**

1. By its plea of Admit with Explanation, Respondent has admitted violating 21 DCMR 502.1 on August 8, 2001, on a vacant lot in the 500 block of 5<sup>th</sup> Street, N.W.
2. On August 8, 2001, Respondent failed to obtain a building permit with an approved erosion and sedimentation plan before engaging in land disturbing activities on the subject property.
3. Respondent has accepted responsibility for its unlawful conduct.
4. Respondent has acted promptly to correct the violation charged.
5. There is no evidence in the record of a history of non-compliance by the Respondent.
6. The Government has recommended a \$150 reduction to the proposed \$500 fine.

## **III. Conclusions of Law**

Respondent violated 21 DCMR 502.1 on August 8, 2001. A fine of \$500 is provided for a first violation of this regulation. 16 DCMR §§ 3201.1(b)(1) and 3234.1(a). Because Respondent accepted responsibility for its unlawful conduct, promptly took steps to correct the violation charged and there is no evidence in the record of a history of non-compliance, I will reduce the fine to \$250. *See* D.C. Official Code §§ 2-1802.02(a)(2) and 2-1801.03(b)(6); 18 U.S.C. § 3553; U.S.S.G. § 3E1.1.

#### **IV. Order**

Based upon the foregoing findings of fact and conclusions of law, and the entire record in the case, it is this \_\_\_\_ day of \_\_\_\_\_, 2002:

**ORDERED**, that Respondent Interlog, Inc. pay a total of **TWO HUNDRED FIFTY DOLLARS (\$250)**, in accordance with the attached instructions, within twenty (20) calendar days of the date of mailing of this order (fifteen (15) calendar days plus five (5) days for service by mail, pursuant to D.C. Official Code §§ 2-1802.04 and 2-1802.05); and it is further

**ORDERED**, that if Respondent fails to pay the above amount within twenty (20) calendar days of the date of mailing of this order, by law, interest will accrue on the unpaid amount at the rate of 1 ½% per month, or portion thereof, beginning with the date of this order. D.C. Official Code § 2-1803(i)(1); and it is further

**ORDERED**, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondent's licenses or permit pursuant to D.C. Official Code § 2-1802.03 (f), the placement of a lien on real or personal property owned by Respondent, pursuant to D.C. Official Code § 2-1802.03(i) and the sealing of Respondent's business premises or work sites, pursuant to D.C. Official Code § 2-1801.03(b)(7).

/s/      **04/24/02**

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Robert E. Sharkey  
Administrative Judge